

### **REMARKS**

This responds to the Office Action mailed on August 10, 2007. Claims 1, 9, 23-25 and 27-28 are amended, claims 4, 7, 8, 10-22, 26, 29-30 are canceled; as a result, claims 1-3, 5, 6, 9, 23-25, 27 and 28 are now pending in this application.

#### **Affirmation of Election**

As provisionally elected by Applicant's representative, Gregg A. Peacock, on August 1, 2007, Applicant elects to prosecute the invention of Group I, Species I, claims 1-3, 5, 6, 9, 23-25, 27 and 28. The claims of the non-elected invention, claims 4, 7, 8, 10-22, 26, 29-30, are hereby canceled. However, Applicant reserves the right to later file continuations or divisions having claims directed to the non-elected inventions.

#### **§101 Rejection of the Claims**

Claims 23-28 were rejected under 35 USC § 101 as being directed to non-statutory subject matter. Applicant has amended claims 23-28 such that "machine-readable medium" is "machine-readable storage medium." Accordingly, Applicant respectfully submits that the rejection of claims 23-28 under 35 USC § 101 has been overcome.

#### **§102 Rejection of the Claims**

Claims 1-3, 5-6, 23-25, and 27-28 were rejected under 35 USC § 102(b) as being anticipated by Faroudja (U.S. 5,151,783). Applicant respectfully traverses.

Among the differences, as amended, claims 1 and 23 recite "wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display." Claim 9 includes a similar limitation. Applicant respectfully submits that cited sections of Faroudja do not disclose operating in an image processing mode if the either of the two conditions recited in claims 1, 9 and 23 occur.

Because Faroudja does not disclose each element of claims 1, 9 and 23, Applicant respectfully submits that the rejection of claims 1, 9 and 23 under 35 U.S.C. §102 has been

overcome. Because the claims that depend from claims 1, 9 and 23 depends from and further defines claims 1, 9 and 23, Applicant respectfully submits that the rejection of the dependent claims under 35 U.S.C. §102 has been overcome.

### **RESERVATION OF RIGHTS**

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 371-2103) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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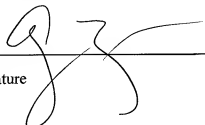
Date 2-17-08

By 

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11th day of February 2008.

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